

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner rejects claims 55-72 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,766,189 to Matsuno (hereinafter "Matsuno").

In response, claims 55-72 have been canceled, thereby rendering the rejection thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 55-72 under 35 U.S.C. § 102(b).

However, new claims 73-96 have been added to further define the patentable invention. New claims 73-96 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 73-96. Applicants respectfully submit that new independent claims 73, 90, 95 and 96 patentably distinguish over the prior art and are allowable and that claims 74-89 and 91-94 are at least allowable as being dependent from new independent claims 73 and 90.

Furthermore, the Applicants respectfully submit that new independent claims 73 and 90 recite that the first end of the coupling member is fastened to the distal end of the actuating wire to be immovable in an axial direction of the actuating wire and a direction deviating from the axial direction. New independent claims 73 and 90 further recite that the clip unit has a tissue clip and a coupling member for holding the tissue clip to the coupling member. Still further, claims 73 and 90 recite that the clip unit is "attached to the clipping device in advance" to clarify that the clip unit is attached to the clipping device prior to a procedure, therefore, the doctor (or other user) need not attach the clipping unit to the clipping device when treating a patient.

In Matsuno, at the distal end of the actuating wire, the coupling member of the clip unit is movable in a direction perpendicular to the axial direction of the actuating wire (see FIG. 4). In Matsuno, the user hooks the clip unit having the coupling member and the tissue clip on the pin 15 of the retainer 11. Thus, the coupling member is detachable from the distal end of the actuating wire.

In contrast, claims 73 and 90 recite that, “the first end of the coupling member is fastened to the distal end of the actuating wire to be immovable in an axial direction of the actuating wire and a direction deviating from the axial direction.” Methods claims 95 and 96 have similar limitations. Therefore, the coupling member cannot be removed from the distal end of the actuating wire and the clip unit is prevented from being reattached to the distal end of the actuating wire.

Moreover, in Matsuno, since the coupling member of the clip unit is merely hooked on the pin 15 of the retainer 11, the hooked state may be released when the clip unit is introduced in the body or inserted in the channel of the endoscope, depending on the condition of attaching the clip unit to the retainer 11 or the force exerted on the clip unit. Thus, there is a possibility of the clip unit being removed.

Further, the retainer 11 must have an area for the pin 15 to which the coupling member is to be engaged and therefore must be longer (larger) than in the case where it is fixed (as specified in claims 73 and 90). Since the hard portion is longer because of the existence of the retainer 11, great force is liable to be exerted on the retainer 11 when the clip unit is introduced in the body or inserted in the channel of the endoscope. This may result in the possibility of disengagement of the clip unit from the retainer 11, depending on the condition of attaching the clip unit to the retainer 11 or the force exerted on the clip unit.

On the other hand, the area specified in the new claims 73 and 90 can be smaller than that in the case of Matsuno. Therefore, the clip unit can be inserted in the body or the channel of the endoscope more smoothly. Particularly in claim 90 (the clipping device to be used in combination with an endoscope), the device can be inserted in the channel much more smoothly (see the description in the specification, from page 17, line 21 to page 18, line 10).

Thus, according to claims 73 and 90, since the coupling member of the clip unit is fastened to the distal end of the actuating wire, the clip unit is prevented from being removed from the distal end of the actuating wire. In addition, since the area to fasten the coupling member to the actuating wire can be small, a force exerted on the clip unit may be less as compared to the device of Matsuno.

In the structure recited in claims 73 and 90, it is unnecessary to attach the clip unit to the distal end of the actuating wire when the clipping device is used. In other words, the clip unit is attached to the device body in advance, and therefore treatment can be performed immediately (see the description in the specification, page 16, lines 24-27 and page 17, lines 6-20). Further, since the clipping device cannot be reused, the sterilized condition can be maintained and the clip unit is prevented being removed in the body. This is a significant advantage for a patient. On the other hand, for the doctors who treat patients, the risk of insufficient sterilization of the device or removal of the clip unit inside the body of the patient can be reduced. This is also a significant advantage for the doctors.

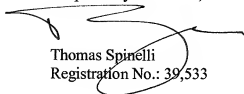
As described above, the devices as recited in claims 73 and 90 produce an unexpected result, which cannot be obtained by simply combining the coupling member and the retainer 11 disclosed in Matsuno. Therefore, claims 73 and 90 patentably distinguish over Matsuno and are allowable.

Method claims 95 and 96 contain similar features and are allowable at least for the same reasons as set forth above with regard to claims 73 and 90.

Lastly, the specification has been amended to correct an inadvertent error in the translation of the present disclosure from the Japanese priority document. Specifically, the term "silicone coil" has been changed to --silicone oil-- to correctly reflect the priority document. No new matter has been introduced into the original disclosure in doing so.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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